

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARTIN JOSEPH, <i>et al.</i> ,	:	Case No. 1:21-cv-06054-WFK-JRC
	:	
Plaintiffs,	:	FRONTIER’S PARTIAL
	:	MOTION TO DISMISS
-against-	:	PORTIONS OF PRAYER FOR
	:	RELIEF
FRONTIER AIRLINES, INC.,	:	
	:	
Defendant.	:	
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DEFENDANT FRONTIER AIRLINES, INC.’S
PARTIAL MOTION TO DISMISS PORTIONS OF PRAYER FOR RELIEF

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(f)(2), Defendant, FRONTIER AIRLINES, INC. (“Frontier”), by its attorneys, BROWN GAVALAS & FROMM LLP, respectfully requests that this Court dismiss or strike portions of Plaintiffs’ prayer for relief seeking a declaratory judgment, permanent injunction, and cease and desist order. In support of its Partial Motion to Dismiss, Frontier states as follows:

1. This civil action arises from an incident that occurred on February 28, 2021 during the boarding process of a Frontier flight from Miami, Florida (MIA) to Queens, New York (LGA).
2. On October 31, 2021, Plaintiffs filed a one-count Complaint against Frontier alleging a violation of Section 1981 of the Civil Rights Act. (Doc. No. 1).
3. Frontier moves this Court to dismiss or strike portions of Plaintiffs’ prayers for relief seeking a declaratory judgment, permanent injunction, and cease and desist order because Plaintiffs seek relief for alleged past injuries and have not alleged facts regarding the likelihood that they will be wronged in a similar way or that there is a certainly impending injury.
4. Frontier contemporaneously files and submits a Memorandum of Law in support of this motion.

WHEREFORE, Defendant, FRONTIER AIRLINES, INC., prays that this Honorable Court enter an order dismissing or striking Plaintiffs' prayers for relief seeking a declaratory judgment, permanent injunction, and cease and desist order pursuant to Fed. R. Civ. P. 12(b)(6) and 12(f)(2), and for such further relief as this Court deems just and reasonable.

Dated: February 9, 2022

Respectfully submitted,

/s/ Frank J. Rubino, Jr.

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